



# California Regional Water Quality Control Board Central Coast Region



Linda S. Adams

Secretary for

Environmental Protection

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<http://www.waterboards.ca.gov/centralcoast>

Arnold Schwarzenegger

Governor

September 6, 2007

Tom Murphy

Mark Low

Advanced Environmental Systems, Inc.

Dear Mr. Murphy and Mr. Low:

## USE OF RECLAMATOR WASTEWATER TREATMENT SYSTEMS IN LOS OSOS, SAN LUIS OBISPO COUNTY

We have reviewed information that you are circulating in the Los Osos community regarding a wastewater technology you call the "Reclamator."

We advised you in person and in writing that many of your claims are false, misleading, and unsubstantiated. The following are Water Board staff's comments on the information you have provided:

- Your interpretations of the federal *Clean Water Act* are wrong. The "best technology available" provisions of federal law cited by AES<sup>1</sup> do not apply to discharges of wastewater to land or to the subsurface, unless there is direct discharge to surface waters. We asked you to immediately stop these claims.
- The Water Board regulates the discharges from septic systems and other wastewater treatment systems in Los Osos under provisions of the *California Water Code* (see sections 13050, 13260, 13263, and 13523). Despite your claims, the Reclamator does discharge waste and is subject to Water Board regulation. We asked you to immediately stop your claims to the contrary.
- AES's advertised cost for each system (capital plus monthly operations and maintenance cost) is contingent on the receipt of significant federal grants. AES has provided no basis that such grants are forthcoming. The systems would be significantly more expensive without grant funding.
- AES is distributing a document you call "Formal Notification of Exemption From Assessment(s) and Enforcement," which you claim would exempt residents "from any 'discharge' related enforcement or financial or economical participation to provide a 'publicly owned treatment works', i.e. communitywide sewer collection system." (sic)

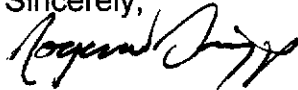
<sup>1</sup> Clean Water Act section 301, 33 USC §1311.

The Central Coast Water Quality Control Plan (Basin Plan) prohibits *all* discharges from individual onsite systems. Residents of Los Osos considering your technology should know that using the Reclamator does not relieve anyone of the obligation to comply with the Basin Plan discharge prohibition and does not relieve them of the obligation to comply with the requirement to hook up to a community system when it is available or use some other option with no on-site discharges.

- AES has not provided us any recent data on the Reclamator. San Luis Obispo County stated that in its process to provide community-wide wastewater services, it will provide a chance for private industry to submit proprietary technologies for review. Full review of the Reclamator's technical capabilities would be appropriate at that time.

If you have any questions, please call **Harvey Packard at (805) 542-4639.**

Sincerely,



Roger W. Briggs  
Executive Officer

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cc:

Paavo Ogren  
San Luis Obispo County Public Works Dept.  
County Government Center  
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